

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CORY O'DELL DERRICK,

Plaintiff,

v.

Case No. 20-11378

MATTHEW RICE, *et al.*,

Defendants.

ORDER TERMINATING AS MOOT PLAINTIFF'S MOTION TO DISMISS

Plaintiff Cory O'Dell Derrick, a prisoner at Isabella County Correctional Facility in Mt. Pleasant, Michigan, brought a *pro se* complaint alleging civil rights violations under 42 U.S.C. § 1983. On June 11, 2020, the court dismissed Plaintiff's complaint without prejudice. (ECF No. 5.) The court found that, before Plaintiff filed the complaint, he had filed another lawsuit with "substantial overlap." (*Id.*, PageID.118.) The two cases were duplicative. (*Id.*)

On October 8, 2020, Plaintiff filed a "Motion to Dismiss." (ECF No. 9.) He asks that the court dismiss his claims, asserting that he does "not wish to pursue any further action[]." (*Id.*, PageID.196.) Because the court dismissed the complaint without prejudice on June 11, 2020, the court will terminate Plaintiff's motion to dismiss as moot. Accordingly,

IT IS ORDERED that Plaintiff's "Motion to Dismiss" (ECF No. 9) is TERMINATED
AS MOOT.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 5, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record
on this date, May 5, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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